

REMARKS

This Response is submitted in reply to the Office Action dated November 13, 2008. Claims 1 to 5, 7 to 25, 27 to 38, 40, 41, 44 to 48, and 50 to 54 have been amended. No new matter has been added by these amendments. Please charge to deposit account No. 02-1818 to cover any fees due in connection with this Response.

The Office Action objected to Claim 13 because the terms "selection picked" and "picked selection" are inconsistent. Applicant has amended Claim 13 to clarify the inconsistencies noted by the Office Action. Applicant respectfully submits that this objection has been obviated and should be withdrawn.

The Office Action rejected claims 1, 13 and 50 under 35 U.S.C. §112, second paragraph. The Office Action appears to suggest that the terms "first" and "second" imply a temporal relationship in independent Claims 1, 13 and 50. Applicant disagrees. Nonetheless, to advance the prosecution of this application, Applicant has amended independent Claims 1, 13 and 50 to clarify that (1) the player picks a selection from a first one of the selection groups, and subsequent to such pick, (2) if the picked selection from the first selection group is associated with an advance, the advance automatically causes the pick of a selection from another one of the selection groups. Applicant respectfully submits that amended independent Claims 1, 13 and 50 comply with Section 112, second paragraph.

The Office Action rejected Claims 41, 42, 48 and 49 under 35 U.S.C. §102(a) as being anticipated by Cregan, et al. (U.S. Patent Application Publication No. 2003/0013514; hereafter "Cregan"). Applicant respectfully disagrees with and traverses this rejection for at least the following reasons.

Additionally, to advance the prosecution of this application, Applicant has amended independent Claim 41 to recite "(e) if the picked selection is associated with the first advancement, (i) automatically picking one of the selections from a second one of the selection groups, (ii) maintaining the provided number of picks, such that the

automatically caused pick does not count against the provided number of picks, and (iii) enabling the player to pick at least one selection from the second selection group until the picked selection from the second selection group is associated with a second advancement which advances the player through the second selection group."

Page 10 of the Office Action stated that "Cregan is silent on automatically causing the pick of the next selection group." Accordingly, Applicant respectfully submits that amended independent Claim 41 (and dependent Claims 42, 48 and 49) is patentably distinguished over Cregan and is in condition for allowance.

The Office Action rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Hughs-Baird, et al. (U.S. Patent No. 6,439,995; hereafter "Hughs-Baird"). Applicant respectfully disagrees with and traverses this rejection for at least the following reasons.

Amended independent Claim 1 is directed to a gaming device which comprises at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to, among other elements, to: (b) display a plurality of selections in each of the selection groups, wherein a first one of the selections in a first one of the selection groups is linked to a first one of the selections in a second one of the selection groups; (e) provide a player a number of picks of the selections from the selection groups; (f) enable the player to pick one of the selections from the first selection group, the pick counting against the provided number of picks; (g) if the picked selection is associated with one of the advances and linked to the first selection in the second selection group: (i) automatically cause the pick of the first selection from the second selection group, (ii) the automatically caused pick not counting against the provided number of picks, and (iii) provide an advance award if another one of the advances is associated with the first selection automatically caused to be picked from the second selection group; and (h) indicate the at least one award if either: (i) the player picks one of the selections associated with the at least one award, or (ii) one of the advances causes the pick of one of the selections associated with the at least one award.

The Office Action stated:

Hughs-Baird fails to explicitly disclose (i) automatically cause the pick of the first selection from the second selection group. Yet, as best understood claim 1 has element "(a)" and "(b)" in an alternative form, therefore Hughs-Baird does disclose the claim invention including element "(a)" (page 7).

* * *

it is agreed that Hughs-Baird does not automatically cause the pick of the selection from the subsequent group, however, as best understood claim 1 has indicating at least one award in an alternative form of elements "(a)" and "(b)", where Hughs-Baird does disclose the claim invention including element "(a)" (page 24).

Applicant submits that the alternative form of "indicating the at least one award" is different than to "automatically cause the pick of the first selection from the second selection group." Regardless of whether Hughs-Baird discloses to "(h) indicate the at least one award if . . . (i) the player picks one of the selections associated with the at least one award," Hughs-Baird does not "automatically cause the pick of the selection from the subsequent group," as recognized by the Office Action. Moreover, regardless of whether Hughs-Baird discloses to "(h) indicate the at least one award if . . . (ii) one of the advances causes the pick of one of the selections associated with the at least one award," Hughs-Baird does not "automatically cause the pick of the selection from the subsequent group," as recognized by the Office Action.

In Hughs-Baird, the player chooses which of the selections to pick from an initial selection group. When the player picks the "advance indicator" from the initial selection group, the player advances to a subsequent selection group. That is, in Hughs-Baird, the player automatically advances from a first selection group to a second selection group. The player chooses which of the selections to pick from the subsequent selection group. In contrast to amended independent Claim 1, the advance indicator does not automatically cause the pick of the selection from the subsequent selection group which is linked to the advance indicator picked from the first or initial selection group. Accordingly, as recognized by the Office Action, Hughs-Baird differs from (1) picking a selection from the first group, and (2) automatically causing a pick of a

selection from the second selection group which is linked to the selection picked from the first group.

Thus, unlike amended independent Claim 1, Hughs-Baird does not anticipate or render obvious a gaming device that includes at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to: “(f) enable the player to pick one of the selections from the first selection group, the pick counting against the provided number of picks; and (g) if the picked selection is associated with one of the advances and linked to the first selection in the second selection group: (i) automatically cause the pick of the first selection from the second selection group, (ii) the automatically caused pick not counting against the provided number of picks, and (iii) provide an advance award if another one of the advances is associated with the first selection automatically caused to be picked from the second selection group.”

For at least the reasons set forth above, Hughs-Baird does not anticipate or render obvious the gaming device of amended independent Claim 1. Accordingly, Applicant respectfully submits that independent Claim 1 is patentably distinguished over Hughs-Baird and is in condition for allowance.

The Office Action rejected Claims 1-40, 43-47, and 50-55 under 35 U.S.C. §103(a) as being unpatentable over Cregan in view of Kamille (U.S. Patent No. 5,855,514). Applicant respectfully disagrees with and traverses this rejection for at least the following reasons.

Amended independent Claim 1 is set forth above. Specifically, amended independent Claim 1 recites: “(f) enable the player to pick one of the selections from the first selection group, the pick counting against the provided number of picks” and “(g) if the picked selection is associated with one of the advances and linked to the first selection in the second selection group: (i) automatically cause the pick of the first selection from the second selection group, (ii) the automatically caused pick not counting against the provided number of picks.”

Page 18 of the Office Action stated:

Cregan is silent on automatically causing the pick of the next selection group.

* * *

Kamille discloses upon the picking of [sic] first advancement, automatically revealing one of the selections in the group, wherein the automatically revealed selection yield [sic] the second advancement (see Figs. 5, 6A-6B, 7A, which discloses uni-directional and directional symbols, where when uni-directional symbols are chosen the next symbol is automatically chosen for the player, also see cols. 9-11 for more details on directional symbols) in order to direct an individual's choice as to which play areas to uncover in the game (emphasis added).

The Office Action fails to point out a specific portion of Kamile which discloses that the directional symbols, such as uni-directional symbols, automatically reveals one of the play areas in the game. Kamille discloses a probability game which allows for interactive play. Figs. 6B and 7C of Kamille disclose directionals which direct a player to play the game pieces in a specific way. As stated in the Office Action, such directionals "direct an individual's choice as to which play areas to uncover" in the game (col. 9, lines 55-57). The directionals direct the player as to which play area to subsequently pick if the player chooses to continue playing the game piece.

The Office Action fails to point out a specific portion of Kamile which discloses that the directional symbols, such as uni-directional symbols, automatically reveal one of the play areas in the game. Though the Office Action points to Figs. 5, 6A-6B, 7A and cols. 9-11, Kamille appears to disclose the following regarding the directional symbols:

Play area 303 contains an arrow symbol, which is referred to herein as a directional. A directional directs player choices (col. 8, lines 21-23, emphasis added).

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Directionals direct a player to play the game pieces a specific way. In other words, a directional directs an individual's choice as to which play areas to uncover on a playing surface (col. 9, lines 54-57, emphasis added).

[D]irectionals take the form of arrows or pointers in the playing areas. Such an arrow may direct a player to play a particular playing area (remove the concealing material from that playing area). An example of this type of directional is shown in play area 303 in FIG. 3. In another embodiment, the directional may be a multi-pronged directional arrow (or pointer) that points to multiple locations or playing areas on the playing surface. These are referred to herein as choice directionals. It would then be the responsibility of the player to decide among the options provided as to which play area would be uncovered. Thus, the choice directionals force a player through a series of bridges, extending the play of the game. The odds of losing are increased by controlling the number of pathways a player must take. In this manner, choice directionals are an odds control element. Note that although the directionals may be arrows, any pointer indication may provide a similar function (col. 9, line 58 to col. 10, line 8, emphasis added).

None of these portions of Kamille anticipate or render obvious automatically picking or automatically revealing a selection or game piece. Unlike the "advances" of amended independent Claim 1, the directionals of Kamille direct the player as to which play area to pick if the player chooses to continue to play the game piece. For the above reasons, the directionals of Kamille do not automatically cause the pick of another play area on the game piece.

Moreover, Kamille, at col. 5, lines 64-67, specifically discloses that "[e]ach game piece is played one spot at a time" and "the player decides when to stop or when to go on." Because the player has the choice to stop or to continue after picking each spot, and because Kamille does not disclose to automatically cause the pick of another spot after the player picks a directional, Applicant submits that Kamille teaches away from automatically causing the pick of another area on the game piece.

For at least the above reasons, if the gaming device of Cregan were modified to include the directionals of Kamille, the gaming device resulting from the proposed combination of Cregan and Kamille would not anticipate or render obvious the gaming device of amended independent Claim 1, which automatically causes the pick of the first selection from the second selection group if the picked selection is associated with one

of the advances and linked to the first selection in the second selection group. Unlike amended independent Claim 1, the proposed combination of Cregan and Kamille would not anticipate or render obvious a gaming device gaming device which comprises at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to, among other elements, to: (f) enable the player to pick one of the selections from the first selection group, the pick counting against the provided number of picks; and (g) if the picked selection is associated with one of the advances and linked to the first selection in the second selection group: (i) automatically cause the pick of the first selection from the second selection group.

Additionally, the proposed combination of Cregan and Kamille does not anticipate or render obvious a gaming device gaming device which comprises at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to, among other elements, to enable the player to pick one of the selections from the first selection group, wherein the pick counts against a provided number of picks, and if the picked selection is associated with one of the advances and linked to the first selection in the second selection group: (i) automatically cause the pick of the first selection from the second selection group, wherein the automatically caused pick does not count against the provided number of picks.

Page 10 of the Office Action stated that, based on paragraph [0090] of Cregan, “not counting an advance indicator as one of the player’s picks” and “when an advance is selected not counting against the indicated number of picks.” Applicant respectfully disagrees that paragraph [0090] discloses to not count the advance indicator as one of the player’s picks.

Paragraph [0090] of Cregan discloses that “gaming device 10 can be structured such that a selection that yields an advance indicator does not count as one of the player’s picks, i.e., does not decrease the tally in the picks remaining indicator.” Applicant respectfully submits that not counting the selection that yields an advance indicator (e.g., a pick of a selection from a first selection group that yields an advance

indicator in a different selection group) differs from: (1) enabling the player to pick a selection from a first selection group, (2) counting the pick of the selection that yields the advance from the first selection group against the provided or indicated number of picks, (3) automatically causing the pick of another selection from a different selection group, and (4) not counting the automatic pick against the provided or indicated number of picks.

The Office Action appears to indicate that if the gaming device of Cregan were modified to include the directionals of Kamille, the gaming device resulting from the proposed combination of Cregan and Kamille would (1) enable the player to pick a selection from a first selection group, and (2) automatically cause the pick of another selection from a different selection group. Though Applicant respectfully disagrees that the proposed combination of Cregan and Kamille automatically causes the pick of another selection for the reasons set forth above, Applicant submits that the proposed combination of Cregan and Kamille would (1) enable the player to pick a selection from a first selection group (wherein this pick counts against the player's picks as described in paragraph [0084] of Cregan or wherein this pick does not count against the player's picks as described in paragraph [0090] of Cregan), and (2) automatically cause the pick of another selection from a different selection group (wherein this pick counts against the player's picks). In either instance, the proposed combination of Cregan and Kamille would count the automatic pick against the player's picks.

However, in both instances, the proposed combination of Cregan and Kamille would not anticipate or render obvious to maintain the provided or indicated number of picks after the automatic pick such that the automatic pick would not count against such provided or indicated number of picks. Thus, unlike amended independent Claim 1, the proposed combination of Cregan and Kamille would not anticipate or render obvious to enable the player to pick one of the selections from the first selection group, wherein the pick counts against a provided number of picks, and if the picked selection is associated with one of the advances and linked to the first selection in the second selection group: (i) automatically cause the pick of the first selection from the second selection group, wherein the automatically caused pick does not count against the provided number of

picks. Accordingly, amended independent Claim 1 is patentably distinguished over the proposed combination of Cregan and Kamille and is in condition for allowance.

Claims 2 to 12 depend directly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

Amended independent Claims 13, 25, 37, 38, 41 and 50 each includes certain elements similar to certain elements of amended independent Claim 1. For reasons similar to the reasoning discussed above with respect to amended independent Claim 1, amended independent 13, 25, 37, 38, 41 and 50 (and their respective dependent claims) are each patentably distinguished over the proposed combination of Cregan and Kamille and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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